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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10  
11 UNITED STATES OF AMERICA, ) No. CR 10-00690 EJD  
12 )  
Plaintiff, ) STIPULATION AND [PROPOSED]  
13 vs. ) ORDER CONTINUING HEARING TO  
14 ELIODORO MENDEZ-CEBALLOS, ) SEPTEMBER 19, 2011, AND EXCLUDING  
15 Defendant. ) TIME UNDER THE SPEEDY TRIAL ACT  
16 )  
17 )  
18 )

18 **STIPULATION**

19 The parties, Eliodoro Mendez-Ceballos and the government, acting through their  
20 respective counsel, hereby stipulate, subject to the Court's approval, that the status hearing date  
21 currently set for July 18, 2011, be vacated and continued to September 19, 2011, at 1:30 p.m.

22 The reason for the requested continuance is the parties require additional time to  
23 complete their negotiations regarding the terms of the proposed disposition, and counsels need to  
24 effectively prepare. Additionally, defense counsel's investigation into issues relevant to those  
25 settlement discussions remain on-going.

26 Accordingly, the parties agree and stipulate that time should be excluded from July 18,

2011, through and including September 19, 2011, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation and continuity of counsel. Accordingly, Mr. Mendez-Ceballos and the government agree that granting the requested exclusion of time will serve the interest of justice and the ends of justice outweigh the interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: July 14, 2011

\_\_\_\_\_/s/\_\_\_\_\_  
VARELL L. FULLER  
Assistant Federal Public Defender

Dated: July 14, 2011

\_\_\_\_\_/s/\_\_\_\_\_  
BRADLEY D. PRICE  
Special Assistant United States Attorney

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~~Proposed~~ **ORDER**

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the status hearing currently set for July 18, 2011, shall be continued to September 19, 2011, at 1:30 p.m.

THE COURT FINDS that failing to exclude the time between July 18, 2011, and September 19, 2011, would unreasonably deny the government continuity of counsel, and would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between July 18, 2011, and September 19, 2011, from computation under the Speedy Trial Act

1 outweigh the interests of the public and the defendant in a speedy trial.

2 THEREFORE, IT IS HEREBY ORDERED that the time between July 18, 2011, and  
3 September 19, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C.  
4 § 3161(h)(7)(A) and (B)(iv).

5 IT IS SO ORDERED.

6  
7 Dated: July 15, 2011

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10 THE HONORABLE EDWARD J. DAVILA  
United States District Judge